## INSTRUCTIONS FOR AFFIDAVIT OF MILITARY STATUS

Before a default judgment may be entered by the court, the plaintiff is <u>required</u> to file an Affidavit stating whether the defendant is in the military service and show necessary facts to support the affidavit.

- Complete this form in black ink only!
- Complete "the Caption." **NOTE:** The caption is the top portion of each form. You will need to know the name of your county, judicial circuit (ask your Clerk of Court if you don't know), name of Plaintiff, name of Defendant and case filing number (ask your Clerk of Court if you don't know). The caption is the same on every form.
- Verify that Paragraphs 1-3 are correct.
- In completing paragraph 4, the military status of a defendant may be determined by conducting an on-line search through the Department of Defense Manpower Data Center (DMDC) search engine at <a href="http://www.defenselink.mil/faq/pis/PC09SLDR.html">http://www.defenselink.mil/faq/pis/PC09SLDR.html</a>. A plaintiff using the DMDC must attach a printed copy of the certificate generated by the search.

The military status of a defendant may be determined by contacting each branch of the military. A plaintiff using this method must attach a response from each branch.

The plaintiff, or his or her agent, may also determine a defendant's military status by personally asking the defendant or another individual that has sufficient reason to know the defendant's military status.

The plaintiff is not limited to the options discussed above, and may have other reason to know the defendant's military status. Any additional reasons should be explained for review by the court.

- You must date and sign the Affidavit of Military Status in front of a Notary Public or Clerk of Courts.
- Make a copy for yourself and file the original with the Clerk of Court.

WARNING: By signing your name, you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the court, or if you are serving or filing this document for an improper purpose, the court could find you in contempt or you could be prosecuted for not telling the truth.

STATE OF SOUTH DAKOTA )	IN CIRCUIT COURT
COUNTY OF)	JUDICIAL CIRCUIT
Plaintiff, vs.	DIV  AFFIDAVIT OF MILITARY STATUS
, Defendant	
<ol> <li>That I am the plaintiff in the above-end.</li> <li>That I have either made a personal in the defendant.</li> <li>As a result of the investigation or revit it is my belief that the above-name it is a violation of I understand that any false statement is a violation of I</li> </ol>	ears and am competent to make this Affidavit. Intitled matter. Investigation or personally reviewed the business records of iew: Ined defendant is not in the military services on active duty; Ined defendant is in the military service on active duty; Ined defendant is in the military service on active duty; In the following and I have attached the necessary
Dated this day of	, 20
SUBSCRIBED AND SWORN to before me	Signature of Plaintiff (Sign only in front of a Notary or Clerk of Courts) this day of, 20
(SEAL) If notary, my commission expires:	Notary Public/Clerk of Court